

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

RACHEL E. MCDONALD,)
)
Plaintiff,)
)
) **JURY TRIAL DEMANDED**
)
) Case No.: 22-1121
vs.)
) St. Louis County Circuit Court
) No. 22SL-CC04158
SAINT LOUIS UNIVERSITY,)
)
Defendant.)

NOTICE OF REMOVAL

COMES NOW Defendant Saint Louis University (“Defendant”), by and through its undersigned counsel, and hereby removes the above-styled case from the Circuit Court of St. Louis County, Missouri, Case No. 22SL-CC04158, to the United States District Court for the Eastern District of Missouri, Eastern Division, pursuant to 28 U.S.C. §§ 1331, 1367, 1441(a), and 1446. The United States District Court for the Eastern District of Missouri has original jurisdiction over this action under 28 U.S.C. § 1331 because federal question jurisdiction exists based on the allegations asserted by Plaintiff Rachel McDonald (“Plaintiff”), and the action is one that may be removed to this Court by Defendant pursuant to 28 U.S.C. § 1441. As grounds for removal, Defendant respectfully states as follows:

BACKGROUND

1. On September 23, 2022, Plaintiff, a former employee of Defendant, filed a seven-count lawsuit in the Circuit Court for the County of St. Louis, Case No. 22SL-CC04158 (“State

Court”), alleging discrimination, harassment, and retaliation in purported violation of the Missouri Human Rights Act (“MHRA”) (Counts I-IV) and Title VII of the Civil Rights Act of 1964 (Counts V-VII).

2. On September 26, 2022, the State Court issued the Summons for Defendant.
3. Defendant has not yet been served with the Summons and Petition, but is filing this Notice of Removal within thirty (30) days of its receipt of the Petition. This removal is timely under 28 U.S.C. § 1446(b). *See, e.g., Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 348-49 (1999).
4. Removal to this Court is proper because Plaintiff originally filed this action in the Circuit Court for St. Louis County, and the United States District Court for the Eastern District of Missouri, Eastern Division, is the “district court of the United States for the district and division within which [the state-court action] is pending.” *See* 28 U.S.C. § 1446(a); E.D. Mo. L.R. 2.07(A)(1).
5. As required by 28 U.S.C. § 1446(a) and Local Rule 2.03, Defendant has attached to this Notice, as Exhibit 1 hereto, “a copy of all process, pleadings, orders and other documents...on file in the state court including a copy of the state court’s docket sheet,” which comprise the complete state court file. *See* E.D. Mo. L.R. 2.03.
6. As discussed above, and as set forth more fully below, this Court has original jurisdiction over this action under 28 U.S.C. §§ 1331, 1441, and 1446(b) because (1) federal question jurisdiction exists; (2) Defendant has satisfied all necessary procedural requirements; and (3) removal of this action is not prohibited by 28 U.S.C. § 1445.

BASIS FOR REMOVAL

7. Title 28 U.S.C. § 1441(a) controls the circumstances in which a party may remove a state civil action to a United States District Court, and provides that:

any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.

8. This Court has original jurisdiction over Plaintiff's federal Title VII claims asserted in Counts V-VII of her Petition pursuant to 28 U.S.C. § 1331, which grants federal district courts original jurisdiction over all claims arising under the laws of the United States. *See Peters v. Union Pacific R.R. Co.*, 80 F.3d 257, 260 (8th Cir. 1996); *see also Rivet v. Regions Bank*, 522 U.S. 470, 475 (1998); *Gore v. T.W.A.*, 210 F.3d 944, 950 (8th Cir. 2000).

9. This Court has supplemental jurisdiction over Plaintiff's remaining state law MHRA claims (Counts I-IV) pursuant to 28 U.S.C. § 1337(a), which grants federal district courts supplemental jurisdiction "over all other claims that are so related to claims in the action within such original jurisdiction that they form part of the same case or controversy." *See* 28 U.S.C. § 1337(a).

10. Specifically, Plaintiff's remaining state law claims—alleging discrimination, harassment, and retaliation under the MHRA—arise from the same alleged facts and circumstances as Plaintiff's federal Title VII claims and, thus, the claims are inextricably related and form the same case or controversy.

11. Therefore, this action can be removed to this Court and further proceedings in the State Court should be halted.

12. Pursuant to Local Rule 2.02, the Civil Cover Sheet, Original Filing Form and Disclosure of Organizational Interests Certificate are filed concurrently herewith.

13. Promptly after filing this Notice of Removal, Defendant will file a copy of this Notice of Removal with the Clerk of the Circuit Court for the County of St. Louis, Missouri, and will serve a copy on counsel for Plaintiff, together with the separate notice directed to Plaintiff's

counsel that is being filed separately herein. *See* 28 U.S.C. § 1446(d) and E.D.Mo. L.R. 2.03(3).

WHEREFORE, Defendant Saint Louis University hereby removes this action to the United States District Court for the Eastern District of Missouri, Eastern Division, and respectfully requests that proceedings in the Circuit Court for St. Louis County, Missouri be halted and no further proceedings be had, and that this Court accept and take jurisdiction over this action and grant all further relief as it deems just and proper.

Respectfully submitted,

Dated: October 25, 2022

LEWIS RICE LLC

By: /s/ Neal F. Perryman
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CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of October 2022, a true and correct copy of the foregoing was electronically filed and served on the below counsel of record via the Court's CM/ECF system.

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